

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ASPEX EYEWEAR, INC.,

Plaintiff,

vs.

Case No. 09-CV-11151
HON. GEORGE CARAM STEEH

PAUL E. SCHMITZ and
SCHMITZ ENTERPRISES, INC.,

Defendants.

_____/

ORDER GRANTING PLAINTIFFS' MOTION FOR ALTERNATE SERVICE
UPON DEFENDANTS SCHMITZ AND SCHMITZ ENTERPRISES, INC. (# 4)

Plaintiff moves for alternative service to be made upon defendants Paul Schmitz and Schmitz Enterprises, Inc., proffering a process server's verified statements that personal service was attempted eleven times, without success, at Schmitz's residential address and the address of Schmitz Enterprises, Inc, being 37048 Dunstable Ct., Farmington Hills, Michigan, 48335.

Service upon an individual or corporation situated within this federal judicial district may be effected pursuant to the law of Michigan. Fed. R. Civ. P. 4(e)(1), (h)(1). Michigan law provides that "[o]n a showing that service of process cannot reasonably be made as provided by this rule, the court may by order permit service of process to be made in any other manner reasonably calculated to give the defendant actual notice of the proceedings and an opportunity to be heard." M.C.R. 2.105(I)(1). Plaintiff seeks alternate service upon Schmitz and Schmitz Enterprises, Inc by means of mailing by first class mail and affixing

a copy of the summons and complaint to the door at 37048 Dunstable Ct., Farmington Hills, Michigan, 48335.

Plaintiff's motion for alternate service is hereby GRANTED to the extent that alternate service shall be accomplished by means of first class mail and certified mail (return receipt requested), as well as by posting a copy of the summons and complaint, civil cover sheet, and a copy of this Order at 37048 Dunstable Ct., Farmington Hills, Michigan, 48335.

SO ORDERED.

Dated: June 4, 2009

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
June 4, 2009, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk